

REMARKS

Claims 1-14, 17-20, 22 and 24-25 are pending.

112 Rejections

The instant Office Action states that Claims 1-14 and 17-19 are rejected under 35 U.S.C. § 112, first paragraph, "because the written specification does not reasonably provide enablement for a signal value corresponding to the second wavelength to be determined for a first region using signal values from a subset of said second regions neighboring said first region" (emphasis is the Examiner's).

Applicant respectfully disagrees. For example, the Examiner is respectfully directed to page 13, lines 11-19, of the instant specification, which states (with reference to Figure 7): "Image data collected at two wavelengths can be differenced to compare the responses at the two wavelengths. An averaging technique can be applied before the wavelengths are differenced. In general, a signal value for a region can be computed for a particular wavelength using signal values from one or more neighboring regions at the same wavelength. For example, an average signal value for λ_2 can be determined for region 76 by averaging the λ_2 signal values for regions 72, 73, 74 and 75. The computed signal value for λ_2 at region 76 can be compared to the measured signal value for λ_1 at region 76."

The instant Office Action states "[a]s claimed, the first regions correspond to the first wavelength and the second regions correspond to the second wavelength." The next sentence in the Office Action states "[t]he newly amended portion recite that a signal value correlated to the second wavelength is determined based on the signal values related to the first wavelength." This latter statement both contradicts the former statement and is incorrect in light of the claims and specification.

According to independent Claim 1, and as similarly recited in the other independent claims, "a signal value corresponding to said second wavelength is determined for a first region using signal values from a subset of said second regions [which include light at the second wavelength] neighboring said first region" (bracketed material added).

In summary, Applicant respectfully submits that the basis for rejecting Claims 1-14 and 17-19 under 35 U.S.C. § 112, first paragraph, is traversed.

Furthermore, Applicant respectfully notes that although the instant Office Action states "[a]s claimed, the first regions correspond to the first wavelength and the second regions correspond to the second wavelength," according to independent Claim 1 and as similarly recited in the other independent claims, "said plurality of first regions compris[e] a filter material for detecting light that comprises light at a first wavelength while blocking light that comprises light at a second wavelength" and "said plurality of second regions compris[e] a filter material for detecting light comprising light at said second wavelength." In other words, Applicant wishes to rely on the actual wording of the claims and does not necessarily agree with the characterization of the claims contained in the Office Action statement referred to above.

101 Rejections

The instant Office Action states that Claims 20, 22 and 24-25 are rejected under 35 U.S.C. § 101 "because the claimed invention is directed to non-statutory subject matter." Specifically, the instant Office Action alleges that Claims 20, 22 and 24-25 do not recite a tangible result.

Independent Claim 20 recites "outputting en-face images." By virtue of their dependency on Claim 20, Claims 22 and 24-25 also include this limitation.

Applicant respectfully submits that an en-face image is clearly a tangible result. Therefore, Applicant respectfully submits that the basis for rejecting Claims 20, 22 and 24-25 under 35 U.S.C. § 101 is traversed.

Conclusions

In light of the above remarks, Applicant respectfully requests reconsideration of the rejected claims.

Based on the arguments presented above, Applicant respectfully asserts that Claims 1-14, 17-20, 22 and 24-25 overcome the rejections of record, and therefore Applicant respectfully solicits allowance of these claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

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